

**CHAPTER ONE - THE
COMPONENTS OF DELAWARE'S
CHILD WELFARE SYSTEM**

**A. DEPARTMENT OF SERVICES
FOR CHILDREN, YOUTH, &
THEIR FAMILIES (DSCYF)**

The Department of Services for Children, Youth and their Families ("DSCYF"), also known as the Children's Department, was created in 1980, and is enabled statutorily by 29 Del. C., Ch. 90. The Department is within the executive branch of government, and is comprised of three divisions: The Division of Family Services, the Division of Youth Rehabilitative Services, and the Division of Child Mental Health Services.

The Division of Family Services is the agency charged with caring for Delaware's abused, neglected and dependent children. Currently, approximately 450 persons are employed by DFS. The DFS head office is located at 1825 Faulkland Road in Wilmington. Branches are spread throughout the state. New Castle County has sites at the New Castle County Police Station on Route 13 (hotline), New Castle County Police Annex in Powder Mill Square, Greenville (serious injury/sexual abuse unit), the Elwyn Institute in Wilmington, and at University Plaza in Newark. Kent County has locations at the Silver Lake Professional Plaza and the James Williams State Service Center, both in Dover. Sussex County has locations in Georgetown, Milford, Seaford, and Frankford. Phone lists,

organizational charts, and a state map are included in this manual.

Each county has several units that include but are not limited to investigation, treatment, permanency, long-term care, foster care, and adolescents.

B. THE FAMILY COURT

The Delaware Family Court is a statutorily created court that has original exclusive jurisdiction over abused, neglected, and dependent children. 10 Del. C. § 921. The Court's criminal and civil jurisdiction is set forth in 10 Del. C. §§921 and 922. A Family Court phone listing is attached. Please make note that the New Castle County Family Court has relocated to the new courthouse at 500 King Street, Wilmington, Delaware, 19801.

The Family Court has been a court of much change in the child welfare arena over the last few years. Specifically, the Court Improvement Project of 1997 ("CIP"), has now been fully implemented in all three counties. The CIP assigns one judge to a case from the day a child enters foster care. That judge remains with the case until permanency is achieved, either by reunification with the family, termination of parental rights and adoption, or some other permanent plan. There are currently three judges in each county who handle these cases.

The current procedure is that any child who enters care prior to implementation of CIP will remain under the old system. Any children

who enter care after the implementation date will be assigned a judge. Under the old system, children will only be reviewed by a Court Commissioner one time per year at a Judicial Foster Care Review hearing ("JFCR"). However, it is possible to file a motion to have the case moved to the CIP track. If the goal on any of these children is changed to termination of parental rights ("TPR"), a judge will then be assigned to the case. Under CIP, the procedures set forth in Chapter 3 will apply. As of December 1, 2002, the procedures have been implemented as Family Court Interim Civil Rules. These significant rule changes are included in your manual and merit review.

C. THE DEPARTMENT OF JUSTICE

The Delaware Department of Justice has both criminal and civil divisions. The Deputy Attorneys General in the civil division represent most state agencies. There are currently seven deputies statewide who represent the Division of Family Services (3-New Castle, 2-Kent, 2-Sussex). In addition, there is one deputy assigned as general counsel to DSCYF. DFS is represented by a DAG in every court proceeding with the exception of Judicial Foster Care Reviews conducted by commissioners in New Castle and Kent Counties. A current listing of DFS deputies and their phone numbers is attached.

D. COURT APPOINTED SPECIAL ADVOCATE PROGRAM ("CASA")

The CASA program was created by statute in 1981. It is managed by the Family Court and is comprised of citizen volunteers who have agreed to represent the best interests of abused, neglected, and dependent children in child welfare proceedings. It is governed by 31 Del. C., Ch. 36. The CASA program has a statewide program director as well as eight CASA coordinators. The coordinators provide oversight, guidance, and training to the citizen volunteers. In addition, for any court proceeding wherein the CASA must appear, the CASA is represented by a contracted attorney. Currently, there are four contracted attorneys statewide that represent the CASA program. The current coordinators and attorneys are included with this package.

E. OFFICE OF THE CHILD ADVOCATE

The Office of the Child Advocate ("OCA") was created in 1999. In the wake of the numerous child abuse deaths in Delaware, the OCA was designed to safeguard the welfare of Delaware's children. In addition to policy reform, legislative advocacy, and training, OCA was charged with securing legal representation for children's best interests in child welfare proceedings. In that regard, the attorney serving as a GAL would have the same duties and responsibilities as the CASA program. However, the attorney would fill the role of CASA, CASA coordinator and CASA attorney. The program was designed to complement the CASA program since not enough citizen volunteers

are available to represent the 1,000 or so children in Delaware's foster care system. A phone directory of OCA is included.

F. THE PARENT'S ATTORNEY

Currently, there is no absolute constitutional mechanism in place to ensure that parents have legal representation from the day their children are removed from their custody. The United States Supreme Court has held that there is no absolute constitutional right to representation in termination of parental rights proceedings. *Lassiter v. Dept. of Social Svcs.*, 452 U.S. 18 (1981). The Delaware Supreme Court has followed that holding in *Matter of Carolyn S.S.*, Del. Supr., 498 A.2d 1095 (1984) and extended that holding to all dependency/neglect proceedings involving DFS in *Watson v. DFS*, No. 18, 2002 (Del. 2002). However, the Delaware Supreme Court has been clear that in applying *Lassiter*, most indigent parents will be entitled to counsel. Furthermore, the new Family Court Rules require the appointment of counsel for indigent parents in matters where DFS is a party. See Family Court Civil Rules 206 and 207. As a practical matter, all indigent parents involved in proceedings where DFS is a party receive court-appointed counsel.

CHAPTER TWO - HOW THE DIVISION OF FAMILY SERVICES PROCESSES A CASE

DFS utilizes a computerized case management system known as FACTS – the Family and Children Tracking System. All facts of the case are entered into this system. The cases are located by parents(s) name. Any cases which existed prior to 1996 will likely also have hard paper files at the agency. In addition, some hardcopy data, such as that obtained from outside sources, is still maintained on most cases.

When a referral alleging abuse, neglect and/or dependency is received by the Division of Family Services (“DFS”), it is received by the DFS hotline. If the referral is accepted, DFS generates a form in FACTS titled: “Hotline Family Abuse Report”. If the referral is made after-hours, a **hotline investigator** will do the initial contacts and transfer the case to an investigation worker once regular business hours resume. If emergency custody of a child is required after-hours, DFS will contact the on-call Family Court judge for *ex parte* custody.

A dependency/neglect petition for custody is required to be filed for after-hours cases by 12 noon the next business day. If emergency custody is required during regular business hours, DFS will file the emergency petition and wait for notice from the Family Court that the request has been approved or denied.

An **investigation worker** is immediately assigned to determine whether or not the allegations in the referral can be substantiated. The investigation worker must complete his or her investigation

within 45 days. Upon completion of the investigation, the worker generates a report titled “Risk Assessment” which outlines the risk factors and an analysis of the allegations. A second report titled “Assessment Supervisor Risk Disposition” is generated by the supervisor and acknowledges a review of the initial report and approval of its findings. If the allegations prove to be unfounded, DFS may choose either to close the case or refer the family for services.

Once a substantiated investigation is completed, the case is usually transferred to a **treatment worker**. A treatment worker is responsible for providing reunification services to the family as well as any special services for the child. The services for the family are outlined in a **case plan**. The services for the child are outlined in a **Plan for Child in Care** (PCIC, parts I – IV). [For newer cases where all parts of the PCIC are stored in FACTS, no part I will exist]. Usually, the child is placed in a DFS foster home or with suitable family members. However, sometimes, the child is placed in a foster home or group home/shelter contracted by DFS with a private agency. The three primary agencies are Children & Families First, Children’s Choice and Catholic Charities. Depending on what services DFS purchases in each case, those agencies may prepare the PCICs and/or the family case plans. In short, a family may have a worker through the private agency, an investigation worker and a treatment worker. In addition, the foster home (if through DFS) will have a **foster home coordinator** who manages the needs of the foster families.

While the case is assigned to a treatment worker with a goal of reunification, the worker is obligated to coordinate services

for the family and the child. These services may include substance abuse treatment, domestic violence counseling, mental health treatment, parenting classes, parent aides, anger management, individual therapy, family therapy, employment, housing, protective daycare and visitation with parents and siblings.

If the goal of a family is changed from reunification to termination of parental rights or a similar permanent plan (including long term foster care), the case is transferred to a **permanency worker** or a **long-term care worker**. That worker is charged with providing the child with the services he/she needs, and for locating and recruiting adoptive homes. The agency is no longer obligated to provide reunification services to the family. *In re Burns, Del. Supr., A.2d (1986)*. Once the child is placed in a permanent home, the worker must ensure the necessary adoptive home studies, subsidies and support services are in place for the pre-adoptive family. The worker also monitors the status of any petitions filed with the Family Court.

CHAPTER THREE – HOW A CASE MOVES THROUGH THE JUDICIAL PROCESS

As stated above, if DFS obtains custody of a child at a time other than business hours, *ex parte* custody is granted by an on-call judicial officer. A petition reflecting the allegations must be filed with the Family Court by 12 noon the next business day. If custody is requested during regular business hours, the Court may enter an *ex parte* order if requested, or it may deny the *ex parte* and schedule the case for a preliminary protective hearing (formerly known as a probable cause hearing).

Preliminary Protective Hearing

The first hearing on the petition before the Family Court is known as a Preliminary Protective Hearing. As of December 1, 2002, Family Court Civil Rule 212 will govern this procedure. A Preliminary Protective Hearing ("PPH") must be held within ten days of the dependency/neglect petition being filed. At that hearing, the petitioner (usually DFS) must establish that probable cause exists to believe that a child continues to be in actual physical, mental or emotional danger or there is a substantial imminent risk thereof OR that the child is abused, neglected or dependent. Hearsay evidence is admissible.

If the Court determines that custody of the child continues with DFS, the Court will provide the probable cause order to the parties with notice of the date and time for the Adjudicatory Hearing. The Court may also order that certain services be put in place for the family, order that the parents complete certain tasks before the next hearing, order paternity testing, require

visitation with parents and/or siblings, and/or ask for a prompt exploration of relatives.

Adjudicatory Hearing

An Adjudicatory Hearing must be scheduled within 30 days of the Preliminary Protective Hearing. Family Court Civil Rule 213 governs this procedure. DFS must show by a preponderance of the evidence that a child is dependent (10 Del. C. § 901(8)) or neglected (10 Del. C. § 901(11)). Hearsay evidence is not admissible.

Again, the Court may order the parties to do a variety of tasks and/or engage in services.

Dispositional Hearing

The next Court review is a Dispositional Hearing. *See Rule 214.* At this hearing, the Court determines if the appropriate services for the family have been implemented and/or approves the case plan for the family and for the child. This hearing must take place within 20 days of the Adjudicatory Hearing; however, in some instances it may be combined with the Adjudicatory Hearing if all parties have developed and agreed on an appropriate case plan and goal.

Review Hearings

Review hearings under the CIP usually take place every 3 months. At the review, the assigned Judge will inquire of all parties whether progress is being made on the case plan(s) and/or what is preventing progress on same. The Judge will also want to hear how the child is doing, and what services are being provided to meet the child's needs.

Internal DFS Permanency Committee

Once a child has been in care for nine months, DFS policy requires that the family's goal be reviewed (if it has not been reviewed earlier). A committee composed of DFS administrators and supervisors reviews each case. A DFS Deputy Attorney General is present for all reviews. Input is received from CASAs or Attorney GALs regarding recommendations for the child; however, DFS does not permit anyone to attend the entire committee meeting. At the conclusion of the meeting, the committee decides what the goal should be. If the goal is changed, DFS must then seek court approval. See "Permanency Hearing".

Child Placement Review Board

The Child Placement Review Board (formerly the Foster Care Review Board) is controlled by 31 Del. C., Ch.38. The Board was created to be an independent monitor of the child welfare system with the task of reviewing child placements to ensure the best interests of children are being met. The Board reviews every child in care at 9 months, and then every year thereafter. The GALs, the parents, the foster parents, and the DFS workers are required to appear at the Board reviews. The Board should send its findings and recommendations to the parties. The parties then have 30 days to submit objections to the findings before the recommendations are submitted to the Family Court.

Permanency Hearing

Once a child has been in the custody of DFS for a period of 12 months, the Family Court must hold a permanency hearing to

determine what the goal for the child should be. *See Rule 216.* Any party, or the Court *sua sponte*, can request a permanency hearing any time after a child enters care. This becomes most important with cases where TPR grounds exist upon entry into care and/or where DFS does not have to provide reunification services to the family.

If termination of parental rights is determined to be the goal, a petition must be filed with the Family Court within 15 months of the day the child entered care.

Termination of Parental Rights

If termination of parental rights is the chosen goal for a child, DFS must prove be clear and convincing evidence one of the enumerated grounds set forth in 13 Del. C. § 1103. DFS must also prove by clear and convincing evidence that termination is in the child's best interests.

Adoption

Once a TPR has been granted, and all appeals have been exhausted without success, an adoption petition may be filed. Many times children are adopted by their foster parents(s). In such cases, an adoptive home study of the foster parent(s) is usually completed by an outside agency. This process can take up to six (6) months; however, it can begin long before a TPR petition is even filed thereby shortening the timeframe for permanency. The primary agencies with whom DFS contracts for adoptive homes studies are Upper Bay Adoption Services (formerly Tressler Center) and Children and Families First.

Once the home study is completed, DFS presents home studies for the children to

their Permanency Committee for approval. After a family is approved for adoption, subsidy paperwork and the legal petition is prepared. The petition is filed with Family Court, and is usually assigned to the Judge who granted the TPR. If the adoptive parents so desire, an adoption hearing will be scheduled.

Other Court Proceedings

Visitation: At any time during a case, a petition for visitation may be filed by a parent or relative. 13 Del. C. § 728 governs visitation. In short, a parent is entitled to visit with their child unless the Court determines that visitation would endanger the child's physical health or significantly impair his or her emotional development.

Guardianship and Permanent Guardianship: 13 Del. C., Ch. 23 addresses guardianship and permanent guardianship. Guardianship is a temporary arrangement for a child wherein the guardian is custodian of the child, but also may make decisions regarding medical, education, etc. However, a parent can always come back and petition for return of the child. Despite this, the Delaware Supreme Court has determined that regular guardianship constitutes permanency for a child. *CASA v. DSCYF*, et al., No. 59, 2003 (Del. 2003).

Permanent guardianship allows a guardian to permanently raise a child without the ability of the parent to petition for return of the child. Permanent guardianship also provides for visitation and/or contact with the biological parent as long as that contact is in the child's best interests. As of October 1, 2002, federal subsidies are no longer available in Delaware for guardianships or permanent guardianships.

Judicial Foster Care Reviews: Currently, the Family Court still conducts these reviews at 12-month intervals. There is no state statute or court rule that requires the reviews; however, federal regulations do require them. Under the Court Improvement Project, these reviews are eliminated. Instead, the judge initially assigned the case will routinely review the matter at intervals much shorter than once a year. However, until the project is fully implemented, GALs still need to be aware of and attend these reviews for children who entered the foster care system several years ago.

Relative Custody: If a relative files for custody of a child in DFS care, and the parent is still not able to care for the child, the relative must show that it is in the best interest of the child to be in their custody instead of DFS'.

Motions to Rescind Custody: When DFS believes that one or both parents are now able to provide adequate care for their child or children, they typically file a motion to rescind custody. If no one objects to the motion, the Court may simply sign the order without a hearing. All parties, including the GAL, should be noticed on the motion.

CHAPTER FOUR – DUTIES OF THE ATTORNEY GUARDIAN AD LITEM

As an attorney GAL, you are charged with representing the best interests of the child in any child welfare proceeding. 29 Del. C., § 9007A(c) sets out the GAL's statutory duties. In addition, 13 Del. C. § 722(a) sets forth the factors which the Court considers in making a best interests determination. Any recommendations to the Court should specifically include factual evidence detailing:

1. The wishes of the parents;
2. The wishes of the child;
3. The interactions and relationships between the child and his parents, grandparents, siblings, significant others, foster parents;
4. The child's adjustment to his or her home, school and community;
5. The mental and physical health of all individuals involved;
6. Past and present compliance by both parents with their rights and responsibilities to their child under 13 Del. C. § 701. Parental responsibilities is also defined at 13 Del. C. § 1101(10).
7. Evidence of domestic violence as provided for in 13 Del. C., Ch. 7A.

Who do I interview? What records do I review?

In order to gather the necessary evidence to answer the above questions, a GAL should begin by interviewing the child. Several publications on interviewing children are available. The *Handbook on*

Questioning Children by Anne Graffam Walker is most helpful. For ethical issues regarding a GAL's relationship with the child, please see Chapter 5. Also, if criminal charges are pending where the child is the victim, the GAL should refrain from interviewing the child regarding those circumstances until after a forensic interview has been completed by the Children's Advocacy Center.

The GAL should also interview the biological parents, the foster parents, school teachers, daycare providers, relatives, counselors, and pediatricians. The GAL should interview the DFS social worker and other professionals involved with the child. Each one of these contacts may lead to further contacts such as friends, pastors, prior foster parents, an educational surrogate parent or distant relatives. In addition, the home where the child resides, the home where the child previously resided, the school and the daycare should be visited. Observations of visits between the child and his or her biological parents should be made.

The GAL should review the DFS file and continue to do so on a regular basis. The OCA will initially obtain the DFS file for you. However, you should then obtain regular updates from DFS as well as any other service providers. You also should obtain the child's pediatric records and birth records, if relevant. (One reason they may be relevant is to determine if the child was born cocaine or opiate positive). You should obtain the child's school records of services provided to the child and/or the parents. You may do this through simply sending a letter to the provider with a copy of the Court Order. Drug and alcohol providers will likely also require a consent signed by the parents or a specific court order regarding those records. Examples

of a letter and a motion for D/A records are attached. Copies of several releases are also attached.

While you are not responsible for coordinating services for the parents, to the extent that the prompt involvement in services will benefit your child, you should have input. For example, if your child is placed with the biological parents and there are allegations of domestic violence, it benefits your client for the parents to promptly engage in anger management and/or domestic violence counseling. Also attached is a community resources list which you may utilize for both collecting records and recommending services for the child and the family.

A relationship should be established with the child. No matter how young a child is, if time is spent with the child, the child will likely be able to communicate his or her wishes to the GAL. *The Child's Attorney* by Ann Haralambie is an excellent resource for determining what steps to take in making a best interests determination, although § 722 does set out a general framework of inquiry.

Attached to this training manual is a worksheet which sets out what inquiries, interviews, and records you should be obtaining during your representation. It is your obligation, on behalf of the child, to take a proactive approach in these matters, and to ensure that the Court is getting the information it needs to make a decision which is truly in the best interest of the child.

Once the GAL has gathered the necessary evidence, the GAL is in a position to make recommendations to the Court, and should do so at every Court proceeding. How this is done given the inherent conflicts

between attorney and GAL roles, is discussed in the next chapter.

In addition, the GAL should be advocating for whatever this child needs, whether it be counseling, visitation with siblings, after school activities, new shoes, etc. The GAL must also be keenly aware of any changes in placement, and must take an active role to ensure that changes in school, living arrangements, daycare or visitation is in the child's best interests. Family Court Rules 211(b) requires DFS to provide reasonable notice of any changes in placement as does 29 Del. C. § 9007A(c)(9). The GAL should be included in decisions regarding same, and should take whatever action is necessary to protect the best interests of that child. Remember, you are this child's voice. Without you, unilateral decisions will be made about this child that may or may not be best for him or her.

What if the child's expressed wishes differ from what the GAL believes is in the child's best interests?

Under the statute, 9007A(c)(14) requires the GAL to not only make the child's wishes known to the Court, but also to alert the Court if the child's expressed wishes differ from the GAL's position on best interests.

Depending on the age of the child, the Court may appoint an attorney to represent the child's expressed wishes. This decision is largely governed by the Supreme Court decision of *In re Samantha Frazer*, Del. Supr., 721 A.2d 920 (1998). The ABA guidelines for representing a child recommend that the Court appoint the GAL as attorney for the child in these circumstances, and appoint a new attorney or a CASA to then advocate best interests.

If your ultimate recommendations to the Court will be different than the expressed wishes of the child, you have an obligation to alert the Court of the conflict. The Court will then make a determination as to what your proper role will be, and whether additional representation is necessary. If this situation occurs, please contact OCA to discuss it prior to requesting the Court to appoint an additional attorney for the child.

**PLEASE REMEMBER TO KEEP
TRACK OF THE TIME YOU SPEND
ON EACH CASE AND
PERIODICALLY FORWARD IT TO
OCA SO THAT WE CAN
ACCURATELY DOCUMENT THE
PRO BONO EFFORTS OF OUR
ATTORNEYS. ALSO, PLEASE
REMEMBER TO NOTIFY US UPON
CONCLUSION OF YOUR CASE SO
THAT WE MAY FILE A MOTION TO
RESCIND YOUR APPOINTMENT.**

CHAPTER FIVE – ETHICAL DILEMMAS FACED BY AN ATTORNEY GUARDIAN AD LITEM

Several conflicts exist between the Rules of Professional Conduct and an attorney guardian *ad litem*'s role in representing the best interests of a child. There are three primary areas of conflict. The first pertains to an attorney acting as both an advocate and a witness. The second involves the confidentiality of communications between the child and the attorney. The third involves the duty to abide by a client's decisions versus representing the best interests of the child.

As of June 10, 2002, the statutory duties of an attorney guardian ad litem have been further clarified as a result of a year long effort between OCA and the Office of Disciplinary Counsel.

29 Del. C. § 9007A(c) now begins with the following: "The attorney GAL's duty is to the child. The scope of the representation is the child's best interests. The attorney guardian ad litem shall have the duty of confidentiality to the child unless disclosure is necessary to protect the child's best interests."

What the first two sentences mean is that the child is your client. However, your scope of representation of that child is the child's best interests. When you initially get a case, you need to make sure you explain that to your child in terms the child can understand. Make sure to explain that while the scope includes the wishes of the child, there are also many other things you must consider. See 13 Del.C. § 722 for guidance. And always

remember, if your recommendations to the Court on the child's best interests and the child's expressed wishes conflict, please call OCA immediately so we can decide how best to proceed.

The third sentence indicates that you and your child client have confidentiality unless disclosure is necessary to protect the child's best interests. As you are likely aware, even with these statutory changes, confidentiality as set forth in the Rules of Professional Conduct prevails over this statute. In other words, with this statutory change, if you child tells you something and forbids you from telling anyone (despite your best effort to convince them otherwise), you cannot tell. However, it is OCA's understanding that there will soon be a change to the Professional Rules, Rule 1.6, that will allow disclosure "to comply with other law or court order." A comment will also be inserted following the rule reciting the OCA statute.

The recent statutory changes also clarify that you are not a witness in the case, and that you should NOT take the stand nor file a report with the Court. Delaware Rule of Professional Conduct 3.7 prohibits an attorney from acting as an advocate at a trial in which the lawyer is likely to be a necessary witness. § 9007A(c)(4) now states that the attorney GAL should "present evidence to the Court in support of his or her position", eliminating any reference to an oral or written report. In participating in Court hearings regarding your client, you should be prepared to call witnesses, cross-examine witnesses and introduce evidence. In closing argument, you can then make a best interests recommendation based on the evidence presented to the Court.

CHAPTER SIX – OFFICE OF THE CHILD ADVOCATE PROCEDURES FOR REFERRALS AND APPOINTMENTS

How does OCA find out about children who need an advocate?

There are two primary avenues which lead to the appointment of an attorney guardian *ad litem* for a child. The first avenue is referrals. OCA regularly receives referrals from biological parents, foster parents, relatives, schools, counselors and psychologists, medical professionals, law enforcement, the Department of Justice, the Children's Department and the Court system. These referrals typically indicate that no one is looking out for an abused, neglected or dependent child's best interests, and that the child or children would benefit from their own independent legal representation of his or her best interests. If a person calls to report child abuse or neglect, they are directed to the Child Abuse Hotline at 1-800-292-9582. OCA does NOT investigate child abuse and neglect – the Division of Family Services does.

The second avenue is a Court order. In compliance with 13 Del. C. § 701(c), the Court is required to appoint a guardian *ad litem* ("GAL") through OCA or CASA for each child who enters the custody of the Division of Family Services. Routinely, the Court faxes an order as soon as a child enters care, requiring OCA and/or CASA to appoint a GAL for the child. The Court uses the following phrases in its orders requiring appointment of an attorney GAL through OCA:

1. An attorney guardian *ad litem* shall be appointed to represent [the child].
2. An attorney guardian *ad litem* or a CASA shall be appointed to represent [the child].
3. The Court requests that an attorney guardian *ad litem* from OCA be appointed to represent [the child].
4. A CASA or attorney guardian *ad litem* shall be appointed to represent the best interests of [the child].

How does OCA decide whether or not to represent a child? What records are considered and how long does it take?

When OCA receives a referral on a child (as opposed to a Court order requiring appointment), OCA will review records from the Delaware Children's Department. If any history with the Department exists, when OCA asks to review record, the Children's Department will respond within ten working days pending approval by their attorney. Upon notification from the Children's Department, OCA schedules the review within ten working days. During this four to five week process, OCA may also review the Family Court record. After all compiled records are reviewed, the Program Administrator evaluates the risk factors in the case. These risk factors include but are not limited to the following: history of abuse/neglect/dependency, domestic violence in the home, drug/alcohol addictions, and mental health history. The Child Advocate then makes the final decision, based upon a recommendation, as to whether or not an attorney will be appointed for the child. The Children's

Department worker(s) and the referent are alerted as to the outcome of the OCA review. **All referral sources and OCA records are confidential pursuant to 29 Del. C. § 9006A.**

When OCA is Court ordered to represent a child, OCA does not review the Delaware Children's Department records prior to appointing an attorney. Instead, it requests that the records be immediately prepared by the different divisions for copying. OCA will then go to the physical Division location and retrieve the file. The copy of the file is then forwarded to the attorney for the child. In cases with long histories and/or which raise policy concerns, OCA will also retain a copy of the DFS record for internal use. If there are available attorneys through OCA, a Court-ordered appointment may only take a week or two. If there are no available attorneys, the child is placed on a waiting list until an attorney can be recruited.

How does an order of appointment occur?

For OCA referrals in which the child is in the custody of the Division of Family Services or in Departmental custody, or for Court ordered cases, OCA simply files a form of order with the Court indicating the attorney who will be representing the child's best interests. For OCA referrals where the child or children are not in the custody of the Division of Family Services/Children's Department, OCA, as a courtesy to the parties, files a motion with the Court requesting appointment of the attorney GAL. OCA is not required to do so. 29 Del. C. § 9007A(a)(2) states that if OCA "determines that a child needs guardian ad litem representation, the Court shall sign an order appointing". The Family Court has also interpreted this

provision in the same light. See Bennett vs. Bennett, File No. CS91-4334, Henriksen, J. (Jan. 2, 2002).

What happens once the order of appointment is signed?

Once the Court signs the form of Order appointing the attorney GAL, OCA will provide you with a copy of any Children's Department files and information on the location of the child or children. If the child is in the custody of the Division of Family Services, the DFS worker's name and contact information is also provided to the attorney. OCA then provides supportive services to you. OCA is available to provide as much or as little guidance to you as you may need to effectively advocate for the child.

What if the child does not get an attorney?

Often we will close a case if risk factors are very low, if there is no pending petition in Court, or if the child already has a CASA. If there are child welfare system concerns, OCA will track these issues and has often brought safety issues/concerns to the Delaware Children's Department. Please feel free to call back if the child's situation changes or Family Court involvement changes.

Please see our website at <http://courts.state.de.us/childadvocate> for more information.

NCCCH EXTENSION RANGE

EXT	NAME	DEPT	TN
255-0133	Minutola, Lisa A.	PUBLIC DEFENDER	
255-0134	Sullivan, Lawrence M.	PUBLIC DEFENDER	
255-0135	Hall, Dawn	PUBLIC DEFENDER	
255-0136	Ferriter, Kerri	PUBLIC DEFENDER	
255-0137	Morris, Ann Marie	PUBLIC DEFENDER	
255-0138	Ruebeck, Wendy	PUBLIC DEFENDER	
255-0139	Little, Ann	PUBLIC DEFENDER	
255-0140	Cherico, Jeanne	PUBLIC DEFENDER	
255-0141	Prettyman, William	PUBLIC DEFENDER	
255-0142	Snow, Robert	PUBLIC DEFENDER	
255-0143	Reed, Vannessa	PUBLIC DEFENDER	
255-0144	Haas, Linda	PUBLIC DEFENDER	
255-0145	Ruebeck, Edward	PUBLIC DEFENDER	
255-0146	Weiler, Timothy	PUBLIC DEFENDER	
255-0147	Naugle, Mary Ellen	PUBLIC DEFENDER	
255-0148	Farren, Edward	PUBLIC DEFENDER	
255-0149	Onell, Brendan	PUBLIC DEFENDER	
255-0150	Schreiber,	PUBLIC DEFENDER	
255-0151	Interview Room	PUBLIC DEFENDER	
255-0152	Green, Connie	PUBLIC DEFENDER	
255-0153	Denlevy, Collin	PUBLIC DEFENDER	
255-0154	Renzulli, Phillip	PUBLIC DEFENDER	
255-0155	Landis, John	PUBLIC DEFENDER	
255-0156	Gregory, Theo	PUBLIC DEFENDER	
255-0157	Public Defender Transit	PUBLIC DEFENDER	
255-0158	Public Defender Transit	PUBLIC DEFENDER	
255-0159	Public Defender Transit	PUBLIC DEFENDER	
255-0160	Warrick, Charlie	PUBLIC DEFENDER	
255-0161	Falasca, Angela	PUBLIC DEFENDER	
255-0162	Winslow, Dallas	PUBLIC DEFENDER	
255-0163	Public Defender Transit	PUBLIC DEFENDER	
255-0164	Public Defender Transit	PUBLIC DEFENDER	
255-0165	Public Defender Transit	PUBLIC DEFENDER	
255-0166			
255-0167			
255-0168			
255-0169			
255-0170	Family Court Conference Room IF103	FAMILY COURT	
255-0171	Family Court Conference Room IF102	FAMILY COURT	
255-0172	Family Court Case Manager IB104	FAMILY COURT	
255-0173	Family Court Conference Room IA100	FAMILY COURT	
255-0174	Family Court Attorney Interview Room IC104	FAMILY COURT	
255-0175	Family Court Reception Desk	FAMILY COURT	
255-0176	Family Court Conference Room 2F103	FAMILY COURT	
255-0177	Family Court Attorney Room 2F104	FAMILY COURT	

NCCCH EXTENSION RANGE

EXT	NAME	DEPT	TN
255-0178	Family Court Judicial Corridor 2A100	FAMILY COURT	
255-0179	Family Court Reception Desk	FAMILY COURT	
255-0180	Family Court Conference Room 3F103	FAMILY COURT	
255-0181	Family Court Attorney Room 3F104	FAMILY COURT	
255-0182	Family Court Conference Room 3A100	FAMILY COURT	
255-0183	Family Court Reception Desk	FAMILY COURT	
255-0184	Family Court Staff Break Room	FAMILY COURT	
255-0185	Family Court Conference Room 1L112	FAMILY COURT	
255-0186	Family Court Conference Room 1L111	FAMILY COURT	
255-0187	Family Court Conference Room 1L417	FAMILY COURT	
255-0188	Family Court Conference Room 1L413	FAMILY COURT	
255-0189	Family Court Conference Room 1L415	FAMILY COURT	
255-0190	Family Court Records Counter 1L104.2	FAMILY COURT	
255-0191	Family Court Records Counter 1L104.2	FAMILY COURT	
255-0192	Family Court Records Counter 1L104.2	FAMILY COURT	
255-0193	Family Court Storage & Records	FAMILY COURT	
255-0194	Family Court Triage Counter	FAMILY COURT	
255-0195	Family Court Mediation Room	FAMILY COURT	
255-0196	Family Court Security	FAMILY COURT	
255-0197	Family Court Judges Workroom	FAMILY COURT	
255-0198	Family Court Judges Workroom	FAMILY COURT	
255-0199	Family Court Judges Workroom	FAMILY COURT	
255-0200	Paisley, Georgi	FAMILY COURT	
255-0201	Nau, Shawn	FAMILY COURT	
255-0202	Selby, Tina	FAMILY COURT	
255-0203	Ashcraft, Jennifer	FAMILY COURT	
255-0204	Paulin, Alvin	FAMILY COURT	
255-0205	Hancock, Doug	FAMILY COURT	
255-0206	Moresi, Robin	FAMILY COURT	
255-0207	Koltenuk, Adrienne	FAMILY COURT	
255-0208	Mousley, Gerry	FAMILY COURT	
255-0209	Davis, Stacie	FAMILY COURT	
255-0210	Winchester, Kay	FAMILY COURT	
255-0211	Parsells, Christine	FAMILY COURT	
255-0212	Eckhard, Ruby	FAMILY COURT	
255-0213	Fitzgerald, Stephanie	FAMILY COURT	
255-0214	Dawson, Shannon	FAMILY COURT	
255-0215	Coll, Andrea	FAMILY COURT	
255-0216	Rodan, Diane	FAMILY COURT	
255-0217	DiBuo, Lisa	FAMILY COURT	
255-0218	Coombs, Terry	FAMILY COURT	
255-0219	Summer, Jean	FAMILY COURT	
255-0220	Aiken, Asia	FAMILY COURT	
255-0221	Burris, Cynthia	FAMILY COURT	
255-0222	Pollard, Ed	FAMILY COURT	

NCCCH EXTENSION RANGE

EXT	NAME	DEPT	TN
255-0223	Martinez, Sylvia	FAMILY COURT	
255-0224	McIntyre, Debbie	FAMILY COURT	
255-0225	Minus, Rose	FAMILY COURT	
255-0226	Nichols, Faith	FAMILY COURT	
255-0227	Soccorco, Jackie (Vacant)	FAMILY COURT	
255-0228	Whisman, Heather	FAMILY COURT	
255-0229	Black, Kathleen	FAMILY COURT	
255-0230	Cain, Stephanie	FAMILY COURT	
255-0231	Faulkner, Brian	FAMILY COURT	
255-0232	Henry-Frazier,	FAMILY COURT	
255-0233	Harden, LaCrisa	FAMILY COURT	
255-0234	Dashfell, Chena	FAMILY COURT	
255-0235	,Family Court Vacant	FAMILY COURT	
255-0236	Stokes-Minus,	FAMILY COURT	
255-0237	Wilson, Debbie	FAMILY COURT	
255-0238	Wright, Sharon	FAMILY COURT	
255-0239	Greenfield, Anita	FAMILY COURT	
255-0240	,Family Court Vacant	FAMILY COURT	
255-0241	,Family Court Vacant	FAMILY COURT	
255-0242	,Family Court Vacant	FAMILY COURT	
255-0243	,Family Court Vacant	FAMILY COURT	
255-0244	Masood, Tahlra	FAMILY COURT	
255-0245	Milligan, Tammy	FAMILY COURT	
255-0246	Barksdale, Charles	FAMILY COURT	
255-0247	Brown, Wanda	FAMILY COURT	
255-0248	Aul, Cathleen	FAMILY COURT	
255-0249	Curtis, Lavette	FAMILY COURT	
255-0250	Denecke, Lee	FAMILY COURT	
255-0251	Dzumaga, Nancy	FAMILY COURT	
255-0252	Grieshop, Shellie	FAMILY COURT	
255-0253	Hucks, Dawn	FAMILY COURT	
255-0254	Lewis, Ernette	FAMILY COURT	
255-0255	Lloyd, Cathi	FAMILY COURT	
255-0256	Maerov, Joslyn	FAMILY COURT	
255-0257	Marshall, Pat	FAMILY COURT	
255-0258	Okonowicz, Connie	FAMILY COURT	
255-0259	Romeo, Pat	FAMILY COURT	
255-0260	Romett-Jones,	FAMILY COURT	
255-0261	Roock, Janice	FAMILY COURT	
255-0262	Satterfield, Janice	FAMILY COURT	
255-0263	Schwitters, Robin	FAMILY COURT	
255-0264	Taylor, Terri	FAMILY COURT	
255-0265	Walton, Beverly	FAMILY COURT	
255-0266	Wilkins, Vicky	FAMILY COURT	
255-0267	,Family Court Vacant	FAMILY COURT	

NCCCH EXTENSION RANGE

EXT	NAME	DEPT	TN
255-0268	Family Court Vacant	FAMILY COURT	
255-0269	Family Court Vacant	FAMILY COURT	
255-0270	Walker, Melissa	FAMILY COURT	
255-0271	Family Court Vacant	FAMILY COURT	
255-0272	Barnett, Bridget	FAMILY COURT	
255-0273	Johnson, Sherry	FAMILY COURT	
255-0274	Avant-Carter,	FAMILY COURT	
255-0275	Collins, Laura	FAMILY COURT	
255-0276	Lane, Denise	FAMILY COURT	
255-0277	Gipson, Shirley	FAMILY COURT	
255-0278	Santiago, Abner	FAMILY COURT	
255-0279	Selby, Keesha	FAMILY COURT	
255-0280	Walker, April	FAMILY COURT	
255-0281	Wheatley, Ellen	FAMILY COURT	
255-0282	White, Vetra	FAMILY COURT	
255-0283	Whye, Debbie	FAMILY COURT	
255-0284	Wiggins, Maxine	FAMILY COURT	
255-0285	Wiggins, Toni	FAMILY COURT	
255-0286	Wilson, Donna	FAMILY COURT	
255-0287	Family Court Vacant	FAMILY COURT	
255-0288	Jackson, Deana	FAMILY COURT	
255-0289	Family Court Vacant	FAMILY COURT	
255-0290	Family Court Vacant	FAMILY COURT	
255-0291	Reed, Virginia	FAMILY COURT	
255-0292	Gungui, Carol	FAMILY COURT	
255-0293	Conner, Jay	FAMILY COURT	
255-0294	Tucker, Robert	FAMILY COURT	
255-0295	Poppiti, Vincent J.	FAMILY COURT	
255-0296	Silva, Corina	FAMILY COURT	
255-0297	Sianni, Peggy	FAMILY COURT	
255-0298	Taconelli, Mike	FAMILY COURT	
255-0299	Spoltore, Leslie	FAMILY COURT	
255-0300	FAMILY COURT MAIN NUMBER	FAMILY COURT	
255-0301	Taylor, Barbara	FAMILY COURT	
255-0302	Boney, Samantha	FAMILY COURT	
255-0303	Coorin, Robert	FAMILY COURT	
255-0304	Williams, Kevin	FAMILY COURT	
255-0305	McNulty, Mary Lou	FAMILY COURT	
255-0306	Mercer, Janet	FAMILY COURT	
255-0307	Kuhn, Chandlee	FAMILY COURT	
255-0308	Frias, Miguel	FAMILY COURT	
255-0309	Nagle, Kathy	FAMILY COURT	
255-0310	Crowell, Barbara	FAMILY COURT	
255-0311	Oliver, Bill	FAMILY COURT	
255-0312	Merced, Carmen	FAMILY COURT	

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NCCCH EXTENSION RANGE

EXT	NAME	DEPT	TN
255-0313	Chapman, William	FAMILY COURT	
255-0314	Ellis, Dontae	FAMILY COURT	
255-0315	Waserstein, Aida	FAMILY COURT	
255-0316	Kane, Pat	FAMILY COURT	
255-0317	Brower, Lori	FAMILY COURT	
255-0318	Bishop, Barry	FAMILY COURT	
255-0319	Tumas, Alison	FAMILY COURT	
255-0320	Bychkowski, Anne	FAMILY COURT	
255-0321	Vaughn, Holly	FAMILY COURT	
255-0322	Browne, Burnell	FAMILY COURT	
255-0323	Downes, Carolyn	FAMILY COURT	
255-0324	Buckworth, Mark	FAMILY COURT	
255-0325	Novak, Shannon	FAMILY COURT	
255-0326	McBride, Tim	FAMILY COURT	
255-0327	Metzger, Joanne	FAMILY COURT	
255-0328	Lee, Keith	FAMILY COURT	
255-0329	Massaro, Debbie	FAMILY COURT	
255-0330	LaBruyer, Marie	FAMILY COURT	
255-0331	Brown, Tequila	FAMILY COURT	
255-0332	Fields, Velma	FAMILY COURT	
255-0333	Derrickson, Andrea	FAMILY COURT	
255-0334	Lassalle, Ruth	FAMILY COURT	
255-0335	,Family Court Vacant	FAMILY COURT	
255-0336	Spencer, Esther	FAMILY COURT	
255-0337	Schuch, Amy	FAMILY COURT	
255-0338	,Family Court Vacant	FAMILY COURT	
255-0339	,Family Court Vacant	FAMILY COURT	
255-0340	Strannahan, Carol	FAMILY COURT	
255-0341	Kenney, Fred	FAMILY COURT	
255-0342	Robinet, Debbie	FAMILY COURT	
255-0343	Carrow, John	FAMILY COURT	
255-0344	Carlisle, Noemi	FAMILY COURT	
255-0345	Haley, DeSales	FAMILY COURT	
255-0346	Floyd, Teresa	FAMILY COURT	
255-0347	Young, Loretta	FAMILY COURT	
255-0348	Wright, Doris	FAMILY COURT	
255-0349	Herlihy, Mary Ann	FAMILY COURT	
255-0350	Musani, Shenaz	FAMILY COURT	
255-0351	Hitch, Joelle	FAMILY COURT	
255-0352	,Family Court Vacant	FAMILY COURT	
255-0353	Stewart, Pat	FAMILY COURT	
255-0354	Sackovich, Martha	FAMILY COURT	
255-0355	Briggs, Vernell	FAMILY COURT	
255-0356	Dawkins, Marietta	FAMILY COURT	
255-0357	Grillo, Carolee	FAMILY COURT	

NCCCH EXTENSION RANGE

EXT	NAME	DEPT	TN
255-0358	Davis, Mildred	FAMILY COURT	
255-0359	Gaynor, Virginia	FAMILY COURT	
255-0360	Ward, Donna	FAMILY COURT	
255-0361	Hernandez, David	FAMILY COURT	
255-0362	Boney, Dale	FAMILY COURT	
255-0363	Brown, Dan	FAMILY COURT	
255-0364	Dougherty, Chris	FAMILY COURT	
255-0365	Friedenreich, Scott	FAMILY COURT	
255-0366	Jefferson, Michael	FAMILY COURT	
255-0367	Jones, Roger	FAMILY COURT	
255-0368	Kwiatkowski, Bob	FAMILY COURT	
255-0369	LaRue, Marty	FAMILY COURT	
255-0370	Ongay, Michael	FAMILY COURT	
255-0371	Prewitt, Ruby	FAMILY COURT	
255-0372	Wilkerson, Janet	FAMILY COURT	
255-0373	Cross, Dave	FAMILY COURT	
255-0374	Cake, Patricia	FAMILY COURT	
255-0375	Roy-Smith,	FAMILY COURT	
255-0376	,Family Court Vacant	FAMILY COURT	
255-0377	,Family Court Vacant	FAMILY COURT	
255-0378	Albino, Susan	FAMILY COURT	
255-0379	Clemmons, Kathy	FAMILY COURT	
255-0380	Falasco, Robert	FAMILY COURT	
255-0381	Shreve, Lynn	FAMILY COURT	
255-0382	Sweeney, Kim	FAMILY COURT	
255-0383	,Family Court Vacant	FAMILY COURT	
255-0384	,Family Court Vacant	FAMILY COURT	
255-0385	,Family Court Vacant	FAMILY COURT	
255-0386	,Family Court Vacant	FAMILY COURT	
255-0387	,Family Court Vacant	FAMILY COURT	
255-0388	,Family Court Vacant	FAMILY COURT	
255-0389	,Family Court Vacant	FAMILY COURT	
255-0390	Scout, Barbara	FAMILY COURT	
255-0391	Wright, Jacqui	FAMILY COURT	
255-0392	Peters, Lynn	FAMILY COURT	
255-0393	Basara, Matthew	FAMILY COURT	
255-0394	Family Court Judge Break Room	FAMILY COURT	
255-0395	Family Court Law Clerk	FAMILY COURT	
255-0396	Family Court Law Clerk	FAMILY COURT	
255-0397	Family Court Law Clerk	FAMILY COURT	
255-0398	Family Court Law Clerk	FAMILY COURT	
255-0399	Family Court Law Clerk	FAMILY COURT	
255-0400	Family Court Law Clerk	FAMILY COURT	
255-0401	Family Court Law Clerk	FAMILY COURT	
255-0402	Family Court Law Clerk	FAMILY COURT	

NCCCH EXTENSION RANGE

EXT	NAME	DEPT	TN
255-0403	Family Court Law Clerk	FAMILY COURT	
255-0404	Family Court Law Clerk	FAMILY COURT	
255-0405	DOMESTIC VIOLENCE MAIN NUMBER	DOMESTIC VIOLENCE	
255-0406	Pouille, Bridget	DOMESTIC VIOLENCE	
255-0407	Querey, Maureen	DOMESTIC VIOLENCE	
255-0408	Ondra, Eileen	DOMESTIC VIOLENCE	
255-0409	Messick, Kenzel	DOMESTIC VIOLENCE	
255-0410	Keen, Ron	DOMESTIC VIOLENCE	
255-0411	Family Court Judge Office	FAMILY COURT	
255-0412	Family Court Judge Office	FAMILY COURT	
255-0413	Family Court Judge Office	FAMILY COURT	
255-0414	Family Court Conference Room 9447	FAMILY COURT	
255-0415	Family Court Reception Desk	FAMILY COURT	
255-0416			
255-0417			
255-0418			
255-0419			
255-0420			
255-0421			
255-0422			
255-0423			
255-0424			
255-0425			
255-0426			
255-0427			
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255-0432			
255-0433			
255-0434			
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255-0438			
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